

15 AAC 125.050 is repealed and readopted to read:

15 AAC 125.050. Determining total income from all sources. (a) Except when the agency determines that a parent is voluntarily unemployed or underemployed under 15 AAC 125.060, the agency will use the best information available, including any information available to it through automated sources such as information maintained by the Department of Labor and Workforce Development, to determine the parent's total income from all sources for the periods for which support is to be paid.

(b) When the agency calculates arrears under 15 AAC 125.105, and except when the agency determines that a parent is voluntarily unemployed or underemployed under 15 AAC 125.060, the agency will base the support calculation on the parent's actual total income for the period for which support is being calculated. If the agency

(1) has complete information concerning the parent's actual total income for a year for which support is being calculated, the agency will use that information to calculate support for that year, even if the parent worked less than full time or worked sporadically during the year;

(2) has limited information concerning the parent's actual total income for a year for which support is being calculated, the agency will estimate the parent's total income for that year based on the parent's earnings in prior or subsequent years, job skills, training, work history, and education, and the employment available in the area where the parent physically resides or previously resided; or

(3) has no information concerning the parent's total income in a past year, the agency will base the support calculation on

(A) the Male and Female Average Annual Wage Income by Age Group statistics provided by the Department of Labor and Workforce Development if the parent is nineteen years of age or older and resides in this state;

(B) the federal minimum wage as set out in 29 U.S.C. 206(a)(1) if the parent is nineteen years of age or older and resides outside of this state; or

(C) the minimum \$50 per month support amount set out in Alaska Rule of Civil Procedure 90.3(c)(1)(B) if the parent is less than nineteen years of age.

(c) When the agency calculates a parent's ongoing support obligation under 15 AAC 125.100, and except when the agency determines that a parent is voluntarily unemployed or underemployed under 15 AAC 125.060, the agency will base the support calculation on the total annual income that the parent is likely to earn or receive when the child support is to be paid. To determine the parent's expected annual income, the agency will use the best available information, including:

(1) the parent's current income as of the date of the agency's calculation of support, as reflected in recent pay stubs or other information from the parent or the parent's employer;

(2) the parent's actual income during the immediately preceding calendar year or, if the parent's income is erratic or information is not available for the immediately preceding calendar year, the parent's actual income during prior calendar years;

(3) partial wage information for periods of less than one year;

(4) the parent's wage rate at a previous job;

(5) the parent's job skills, training, work history, and education;

(6) the average wage or salary available to a person in the parent's particular profession or occupation and, if applicable, location;

(7) the availability of employment in the area where the parent physically resides;

(8) the minimum wage for the area in which the parent physically resides; and

(9) any physical or other restrictions on the parent's ability to work.

(d) If the agency has none of the information listed in (c) of this section for a parent, the agency will base the parent's ongoing support calculation on

(1) the Male and Female Average Annual Wage Income by Age Group statistics provided by the Department of Labor and Workforce Development if the parent is nineteen years of age or older and resides in this state;

(2) the federal minimum wage as set out in 29 U.S.C. 206(a)(1) if the parent is nineteen years of age or older and resides outside of this state;

(3) the minimum \$50 per month support amount set out in Alaska Rule of Civil Procedure 90.3(c)(1)(B) if the parent is less than nineteen years of age.

(e) When calculating income under this section, the agency will include in the parent's estimated total income a

(1) permanent fund dividend payable under AS 43.23, unless the evidence available to the agency indicates that the parent is not eligible for a permanent fund dividend; and

(2) dividend payable by a corporation organized under 43 U.S.C. 1601-1629g (Alaska Native Claims Settlement Act), if evidence available to the agency indicates that the

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parent is a member or shareholder in a corporation under the Act. (Eff. 8/23/80, Register 75; am 10/1/98, Register 147; am 6/15/01, Register 158; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.160 AS 25.27.200

AS 25.27.140 AS 25.27.170

15 AAC 125.105(a) is amended to read:

(a) When the agency establishes an ongoing support obligation, or at any time after an ongoing support obligation has been established by a tribunal of this or another state, the agency will, in its discretion, issue a notice and finding of financial responsibility that sets the support obligation for periods before the effective date of the ongoing support obligation. **Except as provided in (f) of this section, in** [IN] issuing a notice and finding of financial responsibility under this section, the agency shall act as follows:

(1) if initiated by the state because public assistance or medical assistance is being provided on behalf of the child for whom support is sought or because the child is in state placement or state-sponsored foster care, the agency will establish arrears beginning as of the first month in which state assistance was provided on behalf of the child or the first month of state placement, but not to exceed six years before the service on the obligor of the notice and finding of financial responsibility, a notice of paternity and financial responsibility, or a paternity complaint, whichever is the earliest; the agency will establish arrears up to the effective date of the ongoing support obligation for the child, including any arrears owed to the custodial parent if the state assistance or state placement terminates for any period of time before the service of the notice and finding of financial responsibility under this section;

(2) if initiated by the custodial parent, the agency will establish arrears beginning as of the date the custodial parent most recently applied for the agency's services; the agency will establish arrears up to the effective date of the ongoing support obligation for the child, including any arrears owed to the state because the child received public assistance or medical assistance or was placed in state custody or state-sponsored foster care after the most recent application by the custodial parent for services; however, any arrears owed to the state may not exceed six years before the service on the obligor of the notice and finding of financial responsibility, a notice of paternity and financial responsibility, or a paternity complaint, whichever is the earliest;

(3) if the custodial parent withdraws from the agency's services before the service on the obligor of the notice and finding of financial responsibility under this section, the agency will

(A) complete the establishment of the arrears under (1) or (2) of this subsection if the child for whom support is sought has received public assistance or was in state-sponsored foster care or state placement for any period of time to be covered by the order; however, in the order the agency will not establish arrears that exceed the total public assistance grant amount; or

(B) terminate its action to establish arrears under (1) or (2) of this subsection if the child for whom support is sought has not received public assistance or been in state-sponsored foster care or state placement for any period of time to be covered by the order;

(4) when the agency is acting as the responding state in a case initiated by another state under [THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR] the Uniform Interstate Family Support Act of this or another state, the agency will, at the request of the initiating state, establish arrears under this section for periods before the effective date of the ongoing support obligation, beginning as of the date the custodial parent applied for child support enforcement services in the initiating state or as of the date the custodial parent began receiving state assistance or state-sponsored placement for the child in the initiating state, whichever date is earlier; however, any arrears owed to the initiating state may not exceed six years before the service on the obligor of the notice and finding of financial responsibility, a notice of paternity and financial responsibility, or a paternity complaint, whichever is the earliest. (Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.160 **AS 25.27.195**

AS 25.27.022 AS 25.27.170

15 AAC 125.105 is amended by adding new subsections to read:

(d) When giving credit for direct payments under (b) of this section or in-kind contributions under (c) of this section, the agency will give credit only up to the amount of the support that charged for the period for which support is established under (a) of this section. If the direct payments or in-kind contributions exceed the amount of the support established under (a) of this section, the excess payments or contributions will be treated as voluntary payments for which no credit may be given unless a parent provides clear and convincing evidence that both parents intended the payment or contribution to be applied toward future child support. No credit may be given for the excess payments or contributions as future child support for any

period of time during which the child received public assistance or was in state-sponsored foster care or state placement.

(e) When establishing arrears under (a) of this section, the agency will calculate the support obligation pursuant to 15 AAC 125.070 for the first year of the period for which support is being established. For each year thereafter, the agency will determine whether there was a material change of circumstances justifying a modification of the support amount for that year. For each year in which there was a material change of circumstances, the agency will set the support obligation at the amount required under 15 AAC 125.070. For each year in which there was not a material change of circumstances, the support obligation will remain at the amount set for the preceding year.

(f) Notwithstanding (a) of this section, when the agency vacates an administrative support order under 15 AAC 125.121, the agency will establish a new administrative support order for the entire period of time covered by the previous administrative support order. (Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.160 **AS 25.27.195**
AS 25.27.022 AS 25.27.170

15 AAC 125.121(a), (c) and (i) are amended to read:

(a) Upon request from an obligor, the agency will vacate an administrative support order if the support order was based on a default income figure and the agency determines that the default income figure is not an accurate reflection of the obligor's income for purposes of calculating the obligor's child support obligation. [FOR PURPOSES OF THIS SECTION, A SUPPORT ORDER IS BASED ON A DEFAULT INCOME FIGURE IF THE AGENCY

IMPUTED AN ANNUAL ADJUSTED INCOME TO THE OBLIGOR BASED ON 7 AAC 45.020 (ALASKA NEEDS STANDARD), THE MALE AND FEMALE AVERAGE ANNUAL WAGE INCOME BY AGE GROUP STATISTICS, OR OTHER GROUP WAGE STATISTICS PROVIDED BY THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT. A SUPPORT ORDER IS NOT BASED ON A DEFAULT INCOME FIGURE IF THE AGENCY BASED THE SUPPORT ORDER ON ACTUAL INCOME INFORMATION FOR THE OBLIGOR, THE AGENCY ESTIMATED OR PROJECTED THE OBLIGOR'S ANNUAL ADJUSTED INCOME BASED ON INCOMPLETE BUT ACTUAL INCOME INFORMATION FOR THE OBLIGOR, OR THE AGENCY IMPUTED POTENTIAL INCOME TO AN OBLIGOR BASED ON A FINDING OF VOLUNTARY UNEMPLOYMENT OR UNDEREMPLOYMENT UNDER 15 AAC 125.060.]

* * * *

(c) If the obligor does not provide sufficient information as required in (b) of this section, the agency will notify the obligor that the information provided is insufficient and will state the additional information that the agency needs in order to review the obligor's request for relief under this section. If the obligor fails to provide the additional information, the agency will

(1) cease further action on the obligor's request for relief [, UNTIL THE ADDITIONAL INFORMATION IS PROVIDED]; or

(2) review and take action upon the obligor's request for relief if the agency can obtain sufficient actual income information for the obligor from other sources, including the Department of Labor and Workforce Development.

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(i) If the agency grants a request for relief under this section and issues a new support order, the agency will adjust the obligor's account, including any child support arrears and, if appropriate, the ongoing support obligation, to reflect the support amounts established in the new support order. However, the agency will not adjust the obligor's account below zero as of the effective date of the order granting relief or refund any amounts collected before the effective date of the order granting relief [GRANT OF THE REQUEST FOR RELIEF UNDER THIS SECTION]. An order granting relief under this section is effective as of the date the request for relief was received by the agency or the date the agency receives all documentation necessary to complete the review, whichever is later. (Eff. 6/15/2001, Register 158; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.195

15 AAC 125.121 is amended by adding a new section to read:

(j) For purposes of this section, a support order is

(1) based on a default income figure if the agency imputed an annual adjusted income to the parent based on

(A) 7 AAC 45.020 (Alaska Needs Standard);

(B) the Male and Female Average Annual Wage Income by Age Group statistics or other group wage statistics provided by the Department of Labor and Workforce Development;

(C) the federal minimum wage if the support amount was imputed under 15 AAC 125.050(b)(3)(B) or 15 AAC 125.050(d)(2); or

(D) a minimum \$50 per month if the support amount was imputed under 15 AAC 125.050(b)(3)(C) or 15 AAC 125.050(d)(3).

(2) not based on a default income figure if the agency based the support order on

(A) actual income information for the obligor;

(B) an estimated or projected income based on incomplete but actual income information for the obligor for the current or a prior year;

(C) an imputed potential income based on a finding of voluntary unemployment or underemployment under 15 AAC 125.060;

(3) not based on a default income figure if the agency established arrears under 15 AAC 125.105 and for a particular year, the agency based the support amount on the obligor's actual income from a prior or subsequent year or estimated the obligor's annual adjusted income based on incomplete but actual income information for the obligor for the year for which support is being established;

(4) not based on a default income figure solely because the obligor failed to respond to the notice and finding of financial responsibility; if the obligor failed to respond to the notice and finding of financial responsibility but the support order was based on information described in (2) or (3) of this subsection, the order is not based on a default income figure for purposes of this section.

(Eff. 6/15/2001, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.195

15 AAC 125.316(a) and (b) are repealed and readopted to read:

(a) The agency will initiate a review of a support order at the request of a parent who is subject to the support order or a child support agency of another state if

(1) the support order was issued by or may be registered for modification with a tribunal of this state under AS 25.25.609; and

(2) a tribunal of this state has jurisdiction to modify the order.

(b) The agency will initiate a review of a support order at its own discretion if

(1) the support order was issued by or may be registered with a tribunal of this state under AS 25.25.609;

(2) at least one of the following conditions is met:

(A) the support has been assigned to the state;

(B) a medical support order is not in effect as provided in AS 25.27.063 and 15 AAC 125.085;

(C) there is no provision in the existing support order for post-majority support to continue under the circumstances described in AS 25.27.061;

(D) the agency has reason to believe that there is an additional child of the relationship who is not covered by the existing support order;

(E) the agency has reason to believe that there has been a change in the custody ordered by a court of competent jurisdiction; or

(F) other circumstances exist that may justify a modification of the support obligation; and

(3) a tribunal of this state has jurisdiction to modify the order. (Eff. 10/1/98, Register 147; am 11/30/2002, Register 164; am ____/____/____, Register ____)

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Authority: AS 25.27.020 AS 25.27.093

15 AAC 125.316(d) and (e) are amended to read:

(d) A review under this section of a support order based on sole or primary custody, **for which support was calculated pursuant to Alaska Rule of Civil Procedure 90.3(a),** is not necessary to adjust an obligation in a circumstance described in this subsection. In place of the review, the agency will reduce the support obligation to the next lower obligation amount under the guidelines of Alaska Rule of Civil Procedure 90.3 or will suspend or terminate the support obligation if only one child was covered by the order. The provisions of this subsection apply to reduce a support obligation for a child

(1) who has reached legal age of majority or has otherwise been legally emancipated, as defined in 15 AAC 125.873;

(2) for whom paternity has been disestablished;

(3) who has been adopted; or

(4) who has died.

(e) Before initiating a review in response to a request under (a) of this section, the agency may require the party that asks for the review to provide evidence that the child support award as calculated under 15 AAC 125.070 and the child support guidelines of Alaska Rule of Civil Procedure 90.3 is more than 15 percent greater or less than the support obligation that is set out in the current support order. If the party fails to provide that evidence, the agency may decline to complete the review. **The agency may not require the party to provide proof of a 15 percent change under this section if more than three years has elapsed since the support**

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order was issued or modified. (Eff. 10/1/98, Register 147; am 11/30/2002, Register 164; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.193

15 AAC 125.316 is amended by adding a new subsection to read:

(f) If the agency receives a request for review under (a) of this section or seeks to initiate a review under (b) of this section and the agency determines that no tribunal within this state has jurisdiction to modify the order under AS 25.25.611 or AS 25.25.613, the agency will cease its review and will refer the request for review to a child support agency located within the state that the agency determines may have jurisdiction to modify the order. (Eff. 10/1/98, Register 147; am 11/30/2002, Register 164; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.193

15 AAC 125.321(b) is amended to read:

(b) The agency

(1) will grant the petition for modification if, based on a review of all of the information available to the agency including, if appropriate, the data provided by the Department of Labor and Workforce Development, the agency determines that the child support award calculated under 15 AAC 125.070 and the child support guidelines of Alaska Rule of Civil Procedure 90.3 is more than 15 percent greater or less than the amount of the support obligation that is set out in the outstanding support order; or

(2) may grant the petition for modification if it determines that the child support award calculated under 15 AAC 125.070 and the child support guidelines of Alaska Rule of Civil Procedure 90.3 is not more than 15 percent greater or less than the amount of the support

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obligation that is set out in the outstanding support order if any of the following conditions is met:

(A) a medical support order is not in effect as provided under 15 AAC 125.085 and AS 25.27.063; [OR]

(B) other circumstances exist that justify a modification of the support obligation; **or**

(C) more than three years have elapsed since the support order was issued or modified.

(Eff. 10/1/98, Register 147; am 11/30/2002, Register 164; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.190 AS 25.27.193

15 AAC 125.326 is amended to read:

15 AAC 125.326. Review of judicial support orders. (a) If the support order for which review has been initiated under 15 AAC 125.316 was issued by or registered in a court of this state, the agency will review the order upon receipt of the required financial and medical information or upon the expiration of the period for providing the information under 15 AAC 125.040, whichever occurs first. Based on that review, the agency will determine whether a modification of the support order is appropriate. The agency will determine that a modification is appropriate based on at least one of the following reasons:

(1) the child support award calculated under 15 AAC 125.070 and the child support guidelines of Alaska Rule of Civil Procedure 90.3 is more than 15 percent greater or less than the amount of the support obligation that is set out in the outstanding support order;

(2) a medical support order is not in effect as provided in AS 25.27.063 and 15 AAC 125.085; [OR]

(3) other circumstances exist that may justify a modification of the support obligation; **or**

(4) more than three years have elapsed since the support order was issued or modified.

[(b) UPON COMPLETION OF THE REVIEW, THE AGENCY WILL ISSUE EITHER A NOTICE OF PROPOSED ADJUSTMENT OR A NOTICE OF DENIAL OF REVIEW. THE AGENCY WILL SEND THE NOTICE TO BOTH PARENTS AND, IF APPROPRIATE, TO A CHILD SUPPORT ENFORCEMENT AGENCY OF ANOTHER STATE BY FIRST CLASS MAIL OR BY ELECTRONIC MEANS.]

(c) If the agency determines that a modification of the support order is appropriate under (a) of this section, it will promptly forward the file to the Department of Law to present the determination in judicial proceedings for modification of the support order.

(d) If the agency **determines that a modification of the support order is not appropriate, the agency will issue** [ISSUES] a notice of denial of review. **The agency will send the notice of denial of review to both parents and, if appropriate, to a child support agency of another state by first class mail or by electronic means.** [UNDER (b) OF THIS SECTION, AN] **An** administrative appeal is not available from the notice, but the decision is final for the purpose of appeal to the superior court. (Eff. 10/1/98, Register 147; am 11/30/2002, Register 164; am __/__/__, Register __)

Authority: AS 25.27.020

AS 25.27.045

AS 25.27.193

15 AAC 125.331 is amended to read:

15 AAC 125.331. Expedited procedure for modification for medical support or post-majority support only. (a) If a review is initiated by the agency because a medical support order is not in effect, [OR] a medical support order does not comply with 15 AAC 125.085 or AS 25.27.063, **or there is no provision in the existing support order for post-majority support**, the agency will, in its discretion, seek a modification of the support order only to include a medical support order, [OR] to modify the existing medical support order, **or to add post-majority support** without first issuing a notice of petition for modification or completing a full review of financial information. If the agency elects to proceed under this section, no other provision of the support order may be modified.

(b) If the support order was issued by or registered with the agency, the agency may add a medical support provision **or a post-majority support provision** to the order or modify an existing medical support provision under (a) of this section by sending a notice by first class mail or by electronic means to the parents subject to the support order and, if appropriate, to a child support [ENFORCEMENT] agency of another state. The notice must state that a medical support order **or a post-majority support provision** is being included in the support order or that an existing medical support order is being modified. Either parent may appeal this decision by submitting a written request for a formal hearing. The provisions of 15 AAC 05.010 and 15 AAC 05.025 – 15 AAC 05.040 regarding formal hearings apply to an appeal under this subsection. (Eff. 10/1/98, Register 147)

Authority: AS 25.27.020(a) AS 25.27.060 AS 25.27.190
AS 25.27.045 **AS 25.27.061**

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15 AAC 125.335(a) and (d) are amended to read:

(a) The agency will, in its discretion, review a support order, **as provided under 15 AAC 125.316(a) and (b)**, through an automated method. The use of an automated method under this section includes the application of a cost-of living adjustment or the use of other databases such as Department of Labor and Workforce Development information.

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(d) If the support order for which review has been initiated through an automated method was issued by or registered in a court of this state, the agency will promptly forward the file to the Department of Law to present the determination in judicial proceedings for modification of the support order. [IN ADDITION, THE AGENCY WILL SEND A NOTICE BY FIRST CLASS MAIL OR BY ELECTRONIC MEANS TO EACH PARENT AND, IF APPROPRIATE, TO A CHILD SUPPORT ENFORCEMENT AGENCY OF ANOTHER STATE, INFORMING THEM OF THE ACTION TAKEN.] (Eff. 10/1/98, Register 147; am ____/____/____, Register ____)

Authority: **AS 25.27.020** [AS 25.27.020(a)] AS 25.27.045
 AS 25.27.190 AS 25.27.193

15 AAC 125.340(e) and (f) are repealed and readopted to read:

(e) If all of the children of the relationship, including the additional child, are in the primary custody of one parent, the amount of arrears under (c)(2) of this section for the additional child will be calculated as follows:

(1) the arrears will be based on the incremental percentage increase in support related to the additional child, as set out in Alaska Rule of Civil Procedure 90.3(a), and the

agency will apply that increase to the noncustodial parent's actual annual adjusted income for the periods for which arrears are established;

(2) if the agency determines that the noncustodial parent would have been entitled to a minimum \$50 per month order based on the parent's actual income during the period in question, the agency will

(A) determine that no arrears will be paid on behalf of the additional child if the support amount set in the existing support order is equal to or more than \$50 per month; or

(B) base the arrears on the difference between \$50 per month and the support amount in the existing support order if the support amount in the existing support order is less than \$50 per month.

(f) If the children of the relationship, including the additional child, are not all in the primary custody of one parent, the amount of arrears under (c)(2) of this section will be calculated as follows:

(1) the arrears will be calculated by applying the appropriate formula under Alaska Rule of Civil Procedure 90.3(a) or (b) based on the custody of the additional child alone, or the additional children together if there is more than one additional child, but using the incremental percentage increase in support related to the additional child or children only, as set out in Alaska Rule of Civil Procedure 90.3(a), and applying that increase to each parents' actual annual adjusted income for the periods for which arrears are established;

(2) if the existing support order requires one parent to pay support and the agency determines that the same parent would be the obligor for the additional child but that parent

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would be entitled to a minimum \$50 per month order based on the parent's actual income during the period in question, the agency will

(A) determine that no arrears will be paid on behalf of the additional child if the support amount set in the existing support order is equal to or more than \$50 per month; or

(B) base the arrears on the difference between \$50 per month and the support amount set in the existing support order if the support amount in the existing support order is less than \$50 per month. (Eff. 6/15/01, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.170 AS 25.27.193

 AS 25.27.160 AS 25.27.190

15 AAC 125.340 is amended by adding a new subsection to read:

(h) When establishing arrears under (c) of this section, the agency will calculate the support obligation pursuant to 15 AAC 125.070 for the first year of the period for which arrears are being established. For each year thereafter, the agency will determine whether there was a material change of circumstances justifying a modification of the support amount for that year. For each year in which there was a material change of circumstances, the agency will set the support obligation at the amount required under 15 AAC 125.070. For each year in which there was not a material change of circumstances, the support obligation will remain at the amount calculated for the preceding year. (Eff. 6/15/01, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.170 AS 25.27.193

 AS 25.27.160 AS 25.27.190

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15 AAC 125.405 is amended to add a new subsection to read:

(c) A party may contest the notice, including the amount of arrears, by submitting to the agency a written request for administrative review within 30 days after mailing of the notice under (b) of this section. The request must state the specific reasons for the review and be accompanied by all documents upon which the person contesting the review intends to rely. The agency will, in its discretion, reject a request for administrative review if it does not comply with the requirements set out in this subsection. The agency will issue an administrative review decision as soon as practicable after receiving the request. If appropriate, the agency may request additional information from the person requesting the review or from any other source.

(Eff. 10/1/98, Register 147; am ____/____/____, Register ____)

Authority: AS 25.27.020(a) AS 25.27.120 AS 25.27.140

15 AAC 125.426 is amended by adding a new subsection to read:

(h) A notice issued under (a) of this section remains effective until

(1) the support obligation has terminated as provided in 15 AAC 125.873;

(2) the medical support order upon which the notice was based is terminated or modified by subsequent order issued by a tribunal of competent jurisdiction;

(3) the agency sends the employer a notice terminating the notice issued under (a) of this section; or

(4) the employer has terminated the obligor's employment and at least three years have elapsed since that termination without reemployment of the obligor. (Eff. 11/30/2002, Register 164; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.062 AS 25.27.140

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AS 25.27.060 AS 25.27.063

15 AAC 125.432(e) is amended to read:

(e) The agency will grant a credit or debit prospectively from the date the parent purchases the health care coverage, **the date the coverage was actually made available to the children**, or the effective date of the order requiring the parent to provide health care coverage and allowing a credit or debit for the cost of the coverage, whichever date is later. (Eff. 11/30/02, Register 164; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.063 AS 25.27.140
AS 25.27.060

15 AAC 125.435 is amended to read:

15 AAC 125.435. Modification of administrative enforcement action based on evidence of unusual hardship. At any time after the initiation of an administrative enforcement action, an obligor may request that the administrative enforcement action be [SUSPENDED OR] modified based on evidence of unusual hardship on the obligor or the obligor's family. The procedures set out in 15 AAC 125.550 apply to requests made under this section. (Eff. 10/1/98, Register 147; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.140

15 AAC 125.465(a), (b), and (g) are amended to read:

(a) The agency will give credit for direct payments against an obligor's child support obligation established by a support order if the obligor provides clear and convincing evidence that the payment was made to the custodial parent and that both parents intended the payment to be a direct payment of child support. Evidence of direct payments includes

- (1) copies of the front and back of cancelled checks **and money orders**;
- (2) bank statements indicating deposits or electronic funds transfers;
- (3) receipts signed by the custodial parent; and
- (4) signed, notarized statements by the custodial parent, the obligor, or a third party with personal knowledge of the direct payments.

(b) A request for credit for direct payments must be made in writing and must be accompanied by the evidence required under (a) of this section. Unless the agency finds that extraordinary circumstances justified the direct payments, the agency will accept only one request for credit under this section after the obligor has received notice, **including notice under AS 25.27.120(c) or similar law of another state**, that payments must be made through the agency. The one request for credit permitted under this subsection is in addition to any credit that may have been given for direct payments if the agency established arrears under 15 AAC 125.105 or for direct payments made during periods when the agency was not enforcing the order.

* * * *

(g) When the agency enforces an order issued by another state, the agency will

(1) if the agency is enforcing the order at the request of another state, forward the request to that state for determination of the credit; or

(2) if the agency is not enforcing the order at the request of another state,
will apply the law of that state to determine any credit for direct payments. (Eff. 6/15/2001, Register 158; am __/__/__, Register __)

Authority: AS 25.25.604 AS 25.27.020 AS 25.27.140

15 AAC 125.470(h) is amended to read:

(h) When the agency enforces an order issued by another state, the agency will

(1) forward the request to that state for determination of the credit if the agency is enforcing the order at the request of another state; or

(2) apply the law of that state to determine any credit for in-kind contributions if the agency is not enforcing the order at the request of another state. (Eff. 6/15/2001,

Register 158; am __/__/__, Register __)

Authority: AS 25.25.604 AS 25.27.020 AS 25.27.140

15 AAC 125.475(b) and (e) are amended to read:

(b) Upon receipt of a request that complies with (a) of this section, the agency will give credit for the benefits as follows:

(1) for benefits paid on a monthly basis,

(A) the agency will credit the benefits paid in any given month against the ongoing support obligation for the month in which the benefits are paid;

(B) if the benefits paid in a given month exceed the ongoing support obligation for the month in which the benefits are paid, the excess benefits will be applied to any arrears that accrued before the month in which the benefits are paid; however, the excess benefits will not be applied to arrears that accrued before the month in which the benefits are paid if the arrears are owed to the state under AS 25.27.120(a) or (b); and

(C) if the benefits paid in a given month exceed the ongoing support obligation for the month in which the benefits are paid and any arrears that accrued before the month in which the benefits are paid, other than arrears owed to the state under

AS 25.27.120(a) or (b), the excess benefits will be considered a voluntary payment, and that agency will not give credit will for the excess benefits.

(2) for benefits paid in a lump sum,

(A) the agency will credit the lump sum payment against the ongoing support obligation for the months that the lump sum payment is intended to cover;

(B) if the lump sum payment exceeds the ongoing support obligation for the months that the lump sum payment is intended to cover, the excess benefits will be applied to any arrears that accrued before the months that the lump sum payment is intended to cover; however, the excess benefits will not be applied to arrears that accrued before the months that the lump sum is intended to cover if the arrears are owed to the state under AS 25.27.120(a) or (b); and

(C) if the lump sum payment exceeds the ongoing support obligation for the months that the lump sum payment is intended to cover and any arrears that accrued before the months that the lump sum payment is intended to cover, other than arrears owed to the state under AS 25.27.120(a) or (b), the excess benefits will be considered a voluntary payment, and the agency will not give credit for the excess benefits;

(3) if the agency has collected support from the obligor in addition to the benefits paid to the child, the agency will apply the benefits to the obligor's support obligation as provided in (1) and (2) of this subsection; after applying those benefits to the obligor's support obligation as provided in (1) and (2) of this subsection, the agency will apply the amounts collected by the agency to any remaining ongoing support obligation and arrears owed by the obligor;

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(4) The agency will not credit the benefits [OR THE AMOUNTS COLLECTED BY THE AGENCY] to the obligor's future child support obligation.

* * * *

(e) When the agency enforces an order issued by another state another state, the agency will

(1) if the agency is enforcing the order at the request of another state, forward the request to that state for determination of the credit; or

(2) if the agency is not enforcing the order at the request of another state,
will apply the law of that state to determine any credit for government benefits paid to the child.

(Eff. 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.25.604 AS 25.27.020 AS 25.27.140

15 AAC 125.560(b) and (c) are amended to read:

(b) If the agency determines that the amount of the order to withhold and deliver should be modified under (a) of this section, the agency will issue a modified order to withhold and deliver. The agency will serve the modified order to withhold and deliver on the person, political subdivision, or department of the state possessing the income in the manner provided for service of a lien under AS 25.27.240. The agency will send a notice [AND COPY OF THE MODIFIED ORDER TO WITHHOLD AND DELIVER] by first class mail or by electronic means to the obligor, the custodial parent, and, if appropriate, a child support [ENFORCEMENT] agency of another state. The modified withholding amount is effective immediately upon service upon the person possessing the income to be withheld.

(c) Upon receipt of a **notice** [MODIFIED ORDER TO WITHHOLD AND DELIVER] served under (b) of this section, the obligor, custodial parent, or a child support [ENFORCEMENT] agency of another state may contest the amount of the modified order. A person seeking to contest the modified order to withhold and deliver shall file a written request for administrative review with the agency within 15 days after mailing of the amended withholding order. The request must state the specific reasons for the contest and be accompanied by all documents upon which the person requesting the review intends to rely. The agency will, in its discretion, reject a request for administrative review if it does not comply with the requirements of this subsection. The agency will issue an administrative review decision as soon as practicable after receiving a request for administrative review under this subsection. If appropriate, the agency may request additional information from the person requesting the review or from any other party to the action. (Eff. 10/1/98, Register 147; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.250

15 AAC 125.605(a) is amended to read:

(a) The agency will include on the licensing lists required to be compiled under AS 25.27.244(a) and AS 25.27.246(a) the name of an obligor:

(1) for whom there is

(A) a valid child support order [OR PAYMENT SCHEDULE] in effect;

(B) if the list is compiled under AS 25.27.244(a), a payment schedule

in effect; or

(C) if the list is compiled under AS 25.27.246(a), a payment schedule in effect for which the obligor paid the monthly obligation for at least two years immediately after the schedule was negotiated;

(2) who owes an amount that is more than four times the monthly support obligation under the child support order or payment schedule; and

(3) whose arrears exceed \$1,000. (Eff. 10/1/98, Register 147; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.244 AS 25.27.246

15 AAC 125.615 is amended to read:

15 AAC 125.615. Definition of “best efforts.” As used in 15 AAC 125.610, the term “best efforts,” as applied to the obligor, means that, during the period in which the child support order was in effect, the obligor has taken every reasonable step available to assure that support is paid as required by the support order, including, without limitation,

(1) keeping the agency informed of the obligor's address, employer, and medical coverage;

(2) applying for any benefits, such as a permanent fund dividend, unemployment compensation, or similar state and federal benefits, that could be attached for payment of support; [AND]

(3) actively seeking employment and pursuing other sources of income when appropriate; **and**

(4) eliminating discretionary spending; in this section, discretionary spending

(A) includes any expenditure made for recreation, comfort, sport, investment, entertainment , private schools, travel or rental or recreational property; and

(B) does not include any expenditures necessary to feed, house, clothe, or ensure the health of the obligor and the obligor's immediate family members.

(Eff. 10/1/98, Register 147; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.244 AS 25.27.246

15 AAC 125.620 is amended to read:

(a) In negotiating an agreement for a payment schedule on arrears under AS 25.27.244(g)(1) or AS 25.27.246(f)(1), the agency will calculate the monthly amount by adding the following amounts

- (1) the monthly ongoing support obligation;
- (2) the monthly interest charge; and
- (3) a monthly amount to be collected and applied to arrears [DETERMINED USING
THE APPLICABLE AMORTIZATION CHART OR FORMULA SET OUT IN 15
AAC 125.545]

15 AAC 125.635 is amended to read:

15 AAC 125.635. Revocation of release of occupational license. (a) The agency shall immediately revoke a release of license issued under AS 25.27.244(g) [OR AS 25.27.246(F)] if at least one of the following conditions is met:

(1) the release was issued under AS 25.27.244(g)(1) or (4) [OR UNDER AS 25.27.246(F)(1) OR (4)], and the agency subsequently determines that the obligor is no longer in substantial compliance with the obligor's support order or payment schedule; or

(2) the release was issued under AS 25.27.244(g)(2) or (3) [OR UNDER AS 25.27.246(F)(2) or (3)] because the license review process could not be completed within 150 days, and upon subsequent completion of the review process, the agency determines that the obligor is not in substantial compliance with the obligor's support order or payment schedule.

(b) When the agency revokes the release of a license under (a) of this section, the agency will immediately place the obligor on the licensing lists maintained under AS 25.27.244(a) [AND AS 25.27.246(A)] if the requirements for placement on those lists are otherwise met.

(Eff. 10/1/98, Register 147; am __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.244 AS 25.27.246

15 AAC 125 is amended by adding a new section to read:

15 AAC 125.636. Revocation of release of driver's license. (a) The agency shall immediately revoke a release of license issued under AS 25.27.246(f) if at least one of the following conditions is met:

(1) the release was issued under AS 25.27.246(f)(1) or (4) because the obligor was found by the agency or a court to be in substantial compliance with the obligor's support order and the agency subsequently determines that the obligor is no longer in substantial compliance with the obligor's support order;

(2) the release was issued under AS 25.27.246(f)(1) because the obligor negotiated a payment schedule with the agency and the agency subsequently determines that the obligor is no longer in substantial compliance with the payment schedule;

(3) the release was issued under AS 25.27.246(f)(2) or (3) because the license review process could not be completed within 150 days and, upon subsequent completion of the review process, the agency determines that the obligor is not in substantial compliance with the obligor's support order or payment schedule.

(b) When the agency revokes a release under (a)(1) of this section, the agency will immediately place the obligor on the licensing list maintained under AS 25.27.246(a) if the requirements for placement on the licensing list are otherwise met.

(c) When the agency revokes a release under (a)(2) of this section, the agency will

(1) place the obligor on the licensing list maintained under AS 25.27.246(a) if the obligor made payments pursuant to the payment schedule for at least two years immediately after the payment schedule was negotiated and the requirements for placement on the licensing list are otherwise met; or

(2) send written notice of the revocation to the obligor pursuant to AS 25.27.246(h) if the obligor did not make payments pursuant to the payment schedule for at least two years immediately after the payment schedule was negotiated.

(d) When the agency revokes a release under (a)(3) of this section, the agency will send a written notice of the revocation to the obligor pursuant to AS 25.27.246(h).

(e) An administrative review is not available from a notice of revocation of release under (c)(2) or (d) of this section. An obligor who receives a notice under (c)(2) or (d) of this section

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may request judicial relief from the notice as provided in AS 25.27.246(i) within 30 days after receiving the notice. The agency will not suspend the obligor's driver's license based on the revocation of the release until the time for requesting judicial relief has expired or, if judicial relief has been requested, the court has issued a decision affirming the revocation of the release.

(Eff. __/__/__, Register __)

Authority: AS 25.27.020 AS 25.27.244 AS 25.27.246

15 AAC 125 is amended by adding a new article to read:

Article 8. Arrears Forgiveness Program.

Section

- 650. Eligibility to participate in arrears forgiveness program.
- 653. Eligibility based on referral by community-based organization.
- 655. Eligibility based on incarceration.
- 658. Eligibility based on failure to make voluntary payments.
- 660. Application for participation in arrears forgiveness program.
- 663. Referral of case for modification or other review.
- 665. Requirements for forgiveness agreement.
- 668. Calculation of monthly payment amount.
- 670. Alternative payment arrangements.
- 673. Continued enforcement and application of payments.
- 675. Certification of arrears.
- 678. Forgiveness of certified state debt upon compliance with forgiveness agreement.
- 680. Notice of non-compliance with forgiveness agreement and opportunity to cure.

683. Good cause for failure to comply with forgiveness agreement.

685. Termination of parent's participation in the arrears forgiveness program.

695. Definitions.

15 AAC 125.650. Eligibility to participate in arrears forgiveness program. (a) A parent is eligible to participate in the arrears forgiveness program if the parent

(1) owes a combined total state debt of at least \$1,500 in one or more child support cases; and

(2) owes

(A) an ongoing child support obligation to the custodial parent or the state; or

(B) child support arrears to the custodial parent; and

(3) meets one of the following criteria:

(A) is referred to the program by a qualified community-based organization, as provided in 15 AAC 125.653; or

(B) has been incarcerated for more than one year immediately prior to the parent's application to participate in the program and has no other means of paying support while incarcerated, as provided in 15 AAC 125.655; or

(C) as provided in 15 AAC 125.658, has failed to make voluntary payments for at least 24 consecutive months immediately prior to the parent's application to participate in the program, and

[i] has not actively avoided paying support during those 24 consecutive months; or

[ii] does not currently have the ability to pay support at the amount previously ordered; and

(4) submits an application pursuant to 15 AAC 125.660 and complies with all requirements for referral under 15 AAC 125.663; and

(5) enters into a forgiveness agreement meeting the requirements of 15 AAC 125.665; and

(6) has not been convicted of the crime of criminal nonsupport in this state or any other state; and

(7) has not previously enrolled in the arrears forgiveness program under this article and been disqualified from the program due to failure to comply with a forgiveness agreement unless the agency determines that the parent had good cause for the parent's noncompliance, as provided in 15 AAC 125.683.

(b) Except for the requirements of (a)(2) of this section, a parent's eligibility under (a) of this section is determined as of the date the agency reviews the parent's application for approval under 15 AAC 125.660. If at any time during a parent's participation in the program the parent no longer meets the requirements of (a)(2) of this section, the agency will immediately terminate the parent's participation in the program, as provided in 15 AAC 125.685. (Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.653. Eligibility based on referral by community-based organization.

(a) For the purpose of eligibility under 15 AAC 125.650(a)(3)(A), a community-based organization is a private or non-profit organization or government agency that operates a

program or programs designed to directly or indirectly address personal or economic factors that may reduce a parent's earning potential or ability to pay support. A community-based organization may include

(1) drug and alcohol treatment programs approved through the Department of Health and Social Services, Division of Behavioral Health;

(2) parenting plans and other programs offered through the Office of Child Services as part of Child in Need of Aid proceedings;

(3) programs approved through the Department of Health and Social Services, Division of Behavioral Health, that are designed to assist parents with mental health problems or developmental disabilities;

(4) therapeutic courts;

(5) job training and vocational rehabilitation programs approved through the Department of Labor;

(6) credit counseling programs;

(7) Tribal social service programs approved through the Department of Health and Social Services; and

(8) programs offered through a probation office of the Department of Corrections.

(b) A community-based organization may refer parents to the arrears forgiveness program under 15 AAC 125.650(a)(3)(A) if the organization or a particular program offered by the organization is qualified by the agency for participation in the arrears forgiveness program. An organization may apply to the agency for qualification by submitting a written application on

a form provided by the agency, together with all documentation requested by the agency. The agency will review the application to determine whether the organization's program is designed to directly or indirectly address personal or economic factors that may reduce a parent's earning potential or ability to pay support and whether a parent's participation in that program is otherwise consistent with the goals of the arrears forgiveness program. The agency will notify the organization in writing, either approving or denying qualification for the program.

(c) In order to refer a parent to the arrears forgiveness program, a community-based organization must certify to the agency that the parent is actively participating in a qualified program offered by the organization. The community-based organization must further agree to

(1) monitor and certify to the agency the parent's progress in and completion of the qualified program;

(2) inform the agency immediately if the parent is no longer participating in the qualified program; and

(3) provide assistance to the agency in obtaining the parent's cooperation and compliance with the requirements of the arrears forgiveness program.

(d) If a parent's participation in a program operated by a community-based organization is terminated by the community-based organization after the parent has been referred by that organization under (c) of this section, the agency may terminate the parent's participation in the arrears forgiveness program as provided in 15 AAC 125.685 unless the agency determines that the parent would have qualified for participation in the program under 15 AAC 125.650(a)(3)(B) or (C).

(e) If a parent's participation in a program operated by a community-based organization is terminated because the organization or program was terminated or the parent's participation in that program is otherwise terminated through no fault of the parent, the parent's participation in the arrears forgiveness program may continue if

(1) the parent was referred to and is in compliance with the requirements of a comparable community-based program; or

(2) the parent was in compliance with the requirements of the community-based organization or program when it was terminated and there is no comparable program to which the parent can be referred. (Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.655. Eligibility based on incarceration. A parent may qualify for participation in the arrears forgiveness program based on incarceration under 15 AAC 125.650(a)(3)(B) if

(1) the parent was

(A) incarcerated as of the date the parent applied for the arrears forgiveness program and is expected to be released from incarceration within 60 days after the date of application; or

(B) released from incarceration within six months immediately prior to the date the parent applied for the arrears forgiveness program;

(2) the parent was incarcerated for more than one year without interruption during the parent's most recent incarceration prior to the date the parent applied for the arrears forgiveness program; and

(3) the parent had no other means of paying support while incarcerated. (Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.658. Eligibility based on failure to make voluntary payments. (a) For the purpose of determining whether a parent has failed to make voluntary payments under 15 AAC 125.650(a)(3)(C), voluntary payments include

(1) payments by cash, check, money order, or other negotiable instrument submitted directly to the agency by or on behalf of the parent;

(2) payments by a parent's employer through income withholding; and

(3) payments through the garnishment of unemployment benefits.

(b) The agency will consider the following factors when determining whether a parent has actively avoided paying support under 15 AAC 125.650(a)(3)(C):

(1) the parent has changed jobs shortly after a withholding order was served on the parent's employer;

(2) the parent has frequently changed residence or mailing addresses without notifying the agency of the change;

(3) the parent has transferred assets to a family member or friend for less than the fair market value of those assets;

(4) the parent has worked for cash or other forms of unreported income without making support payments;

(5) the parent has purchased high-priced consumer items, such as jewelry, computer or electronic equipment, snow machines, boats, airplanes, four-wheelers, and

recreational vehicles, unless those items are essential to the parent's business or production of income;

(6) the parent's lifestyle exceeds the parent's reported income;

(7) the parent is employed by businesses owned by the parent's friends or relatives and for which no or only minimal income is reported;

(8) the parent is not actively seeking employment or pursuing other sources of income that could be used to pay child support;

(9) the parent has not applied for benefits that could be used to pay support, including permanent fund dividends, unemployment insurance, disability benefits, or other state or federal benefits for which the parent might be eligible; or

(10) the parent has intentionally concealed assets or income.

(c) For the purpose of determining eligibility under 15 AAC 125.650(a)(3)(C), a parent does not currently have the ability to pay support as ordered when the parent can show that

(1) the support order includes

(A) pre-order arrears;

(B) arrears that accrued under a default order;

(C) arrears that accrued after the parent failed through excusable neglect to timely request a modification of the support order when there was a material change of circumstances justifying a reduction in the support obligation; or

(2) the parent's earning ability or ability to pay has been substantially reduced after the issuance of the support order as a result of

(A) a significant illness or disability that prevents the parent from

working at any reasonable employment;

(B) exceptional medical expenses that are not reimbursed by insurance, Medicaid, or another government program, or through private litigation;

(C) an accident or other disaster that significantly affects the parent or an immediate family member of the parent;

(D) the parent lives a subsistence life style without any local opportunity for employment. (Eff. ___/___/___, Register ___)

Authority: AS 25.27.020

15 AAC 125.660. Application for participation in arrears forgiveness program. (a)

In order to be considered for the arrears forgiveness program, a parent must submit a written application to the agency. The application must be on a form prescribed by the agency and must be accompanied by all documentation or other information requested by the agency.

(b) If a parent fails to submit all of the information needed by the agency to process the application or if the agency determines that the case should be referred for modification or other review under 15 AAC 125.663, the agency will notify the parent that the application is insufficient or that a referral for modification or other review is being made. The agency will identify any additional information that the agency needs in order to review the parent's application or to refer the case for modification or other review. If the parent was referred to the agency by a community-based organization under 15 AAC 125.650(a)(3)(A), the agency will notify the referring organization of the request for additional information and will request the organization's assistance in obtaining the necessary information. If the parent fails to provide the additional information within 30 days after the agency sent its notice and request for

additional information, the agency will deny the parent's application based on the failure to provide information.

(c) Upon receipt of all necessary information and after completion of any referral under 15 AAC 125.663, the agency will review a parent's application to determine whether the parent meets the eligibility requirements of 15 AAC 125.650. If the agency determines that the parent

(1) meets the eligibility requirements, the agency will prepare and send to the parent a forgiveness agreement under 15 AAC 125.665; or

(2) does not meet the eligibility requirements, the agency will send the parent a notice of denial.

(d) If a parent's application is denied under (b) or (c) of this section, the parent may contest the denial by submitting to the agency a written request for administrative review within 30 days after the notice was sent to the parent. The request must state the specific reasons for the contest and be accompanied by all documents upon which the person requesting the review intends to rely. The agency may reject a request for administrative review if it does not comply with the requirements set out in this subsection. The administrative review is limited to whether a parent has complied with the application and eligibility requirements for participation in the arrears forgiveness program. As necessary to determine whether a parent is eligible for the arrears forgiveness program, the agency may request additional information from the parents or from any other source. The agency will issue an administrative review decision as soon as practicable after receiving the request. An administrative appeal is not available from the administrative review decision issued under this subsection, but the decision is final for the purpose of appeal to the superior court.

(e) If the agency determines at any time after an application has been approved for participation in the arrears forgiveness program that the parent knowingly provided false or incomplete information with the parent's application, the agency may terminate the parent's participation in the program as provided in 15 AAC 125.685. (Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.663. Referral of case for modification or other review. (a) Upon receipt of an application under 15 AAC 125.660, the agency will review the case to determine whether

(1) the case may qualify for a modification of the ongoing support obligation;
(2) the parent may be entitled to relief from the support order because the order was based on a default amount; or

(3) there are other defects in the support order or the arrears calculation that should be resolved before the agency considers the parent for the arrears forgiveness program.

(b) If the agency determines that one of the conditions in (a) of this section have been met, the agency will immediately refer the case to the appropriate caseworker within the agency or to the Department of Law for further action to resolve the issue, including without limitation, referral for

- (1) modification under 15 AAC 125.316;
 - (2) default order review under 15 AAC 125.121;
 - (3) relief or reconsideration under 15 AAC 125.125;
 - (4) genetic testing under applicable agency policies; or
 - (5) judicial action to set aside or correct a paternity judgment or support order.
- (c) The agency will not determine whether a parent is eligible to participate in the arrears

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forgiveness program under 15 AAC 125.650 until any referrals under this section have been completed. (Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.665. Requirements for forgiveness agreement. (a) Upon approval of the parent's application by the agency, the agency will send to the parent a forgiveness agreement. The parent must sign and return the forgiveness agreement to the agency within 30 days after it was mailed to the parent. If the parent fails to sign and return the forgiveness agreement to the agency within the required time, the agency will rescind its approval of the parent's application and will deny the application based on the failure to return the agreement. If a parent's application is denied under this section, the parent may contest the denial as provided in 15 AAC 125.660(d).

(b) Pursuant to a forgiveness agreement under this section, the parent will agree to

(1) make monthly payments, as calculated under 15 AAC 125.668, through income withholding unless the agency agrees to an alternative payment arrangement; monthly payments that are made

(A) through income withholding must begin within 60 days after the parent is approved for the program unless the parent is enrolled in an employment training program, in which case the monthly payments through income withholding must begin within 30 days after the parent completes the employment training program; or

(B) under an alternative payment arrangement must begin within 30 days after the parent is approved for the program;

(2) promptly inform the agency of any changes in the parent's employment or

income and provide the name and address of any employer for whom the parent works;

(3) promptly inform the agency of any changes in the parent's residence or mailing address;

(4) apply for a permanent fund dividend for each year in which the parent is or may be eligible to receive the dividend or provide the agency with information indicating that the parent is not eligible for the dividend; and

(5) if the parent was referred by a community-based organization under 15 AAC 125.650(a)(3)(A), comply with all requirements established by that organization for continuing participation in the organization's program until the parent has successfully completed the organization's program.

(c) Pursuant to a forgiveness agreement under this section, the agency will agree to

(1) forgive the applicable percentage of the certified state debt as provided in 15 AAC 125.678, upon confirmation by the agency that the parent has complied with all requirements of the forgiveness agreement for the relevant reporting period;

(2) suspend any action against the parent's driver's or occupational licenses as long as the parent remains in compliance with the forgiveness agreement and will release any license that it has already suspended upon receipt of the signed forgiveness agreement and the parent's first payment under that agreement;

(3) except as provided in 15 AAC 125.673, suspend any enforcement actions to garnish or seize the parent's assets and property as long as the parent remains in compliance with the forgiveness agreement; and

(4) not pursue any action for criminal nonsupport or civil or criminal contempt

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against the parent as long as the parent remains in compliance with the forgiveness agreement.

(Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.668. Calculation of monthly payment amount. (a) Unless the agency finds good cause to require a different amount, the agency will calculate the amount of the monthly payment required by the forgiveness agreement by adding the following amounts:

- (1) the monthly ongoing support obligation;
- (2) the monthly interest charge on any arrears owed to the custodial parent; and
- (3) a monthly amount to be collected and applied to any arrears owed to the custodial parent, as determined using the applicable arrears amortization chart set out in 15 AAC 125.545.

(b) In calculating the amount to be paid pursuant to the forgiveness agreement, the agency will give credit to the parent for one-half of the cost to the parent of medical and dental insurance premiums for the children and educational payments for the children to the extent that the health insurance coverage and educational payments are required by the applicable support order and are actually paid for by the parent, unless the order provides for a different allocation of these costs.

(c) If payments are made pursuant to an income withholding order under AS 25.27.062 or AS 25.27.250 but those payments are not sufficient to cover the monthly payment amount set pursuant to (a) of this section, the parent must pay the difference between the amount withheld and the monthly payment amount set pursuant to (a) of this section by submitting direct payments to the agency in the form of cash; personal, cashiers, or certified check; money order;

electronic funds transfer; or payment through Western Union.

(d) Good cause for varying the monthly payment amount under (a) of this section will be determined pursuant to the standards set out in 15 AAC 125.540(d). (Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.670. Alternative payment arrangements. (a) Unless the agency has agreed to an alternative payment arrangement, a forgiveness agreement must require the parent to pay pursuant to an income withholding order issued under AS 25.27.062 or AS 25.27.250 to the parent's employer, insurer, or financial institution, or to a state or federal agency paying periodic benefits to a parent.

(b) An alternative payment arrangement may include

- (1) regular electronic fund transfers;
- (2) payments by cash, certified or cashiers check, or money order;
- (3) payments through Western Union;
- (4) lump sum payments in advance.

(c) The agency will agree to an alternative payment arrangement if

(1) the parent's employment is seasonal and employment in the parent's off-season is unlikely or is not economically feasible;

(2) the parent is self-employed;

(3) the parent relies on sources of income that are not subject to garnishment under state or federal law;

(4) the agency determines that an alternative payment arrangement is likely to be

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as effective as income withholding and is in the best interests of the state and of the children.

(Eff. ____/____/____, Register ____)

Authority: AS 25.27.020

15 AAC 125.673. Continued enforcement actions and application of payments. (a)

While a parent is participating in the arrears forgiveness program, the agency will

(1) report the parent's arrears, including the certified state debt, to the federal government for attachment of the parent's federal tax refund to the extent required by federal law;

(2) attach the parent's permanent fund dividend;

(3) leave in place all liens previously asserted against property belonging to the parent; however, the parent may negotiate with the agency for release of the lien against specific property;

(4) continue to report all arrears, including any portion of the certified state debt that has not yet been forgiven under 15 AAC 125.678, to credit bureaus as required under 15 AAC 125.418.

(b) The agency will apply amounts collected under (a) of this section as follows:

(1) amounts collected through the interception of the parent's federal tax refund will be applied, in the following order, to

(A) state debt that has accrued after the certification of the state debt under 15 AAC 125.675;

(B) the certified state debt;

(C) arrears owed to the custodial parent;

(2) amounts collected through the attachment of the parent's permanent fund dividend will be applied, in the following order, to

(A) arrears owed to the custodial parent;

(B) state debt that has accrued after the certification of the state debt under 15 AAC 125.675;

(C) the certified state debt;

(3) amounts collected through the negotiation of the release of a lien against property will be applied, in the following order, to

(A) arrears owed to the custodial parent;

(B) state debt that has accrued after the certification of the state debt under 15 AAC 125.675;

(C) the certified state debt, but only if the property for which the lien was released was not identified by the parent on the parent's application for participation in the arrears forgiveness program under 15 AAC 125.660.

(c) Amounts collected through continued enforcement under (a) of this section will not be considered monthly payments under the parent's forgiveness agreement. Amounts collected through continued enforcement under (a) of this section are in addition to the monthly payments required by the forgiveness agreement (Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.675. Certification of state debt. (a) After the agency has approved a parent for participation in the arrears forgiveness program, the agency will calculate and certify the total state debt owed as of the date the parent was approved for the program. The agency will

include in the certified state debt

(1) the principal amount of any arrears that are permanently assigned to the state as of the date the parent was approved for the program; and

(2) any interest that has accrued on the permanently assigned arrears as of the date the parent was approved for the program.

(b) The agency will prepare a written certification stating the amount of the certified state debt subject to forgiveness. The agency will send the parent a copy of the certification with the forgiveness agreement under 15 AAC 125.665. (Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.678. Forgiveness of certified state debt upon compliance with forgiveness agreement. (a) The agency will monitor the parent's compliance with the forgiveness agreement on a monthly basis and will notify the parent of any non-compliance as provided in 15 AAC 125.680. However, the forgiveness of the certified state debt will occur on a yearly basis. The first yearly reporting period will commence as of the date the parent was approved for participation in the arrears forgiveness program. Each subsequent yearly reporting period will commence on the anniversary of the date the parent was approved for participation in the arrears forgiveness program.

(b) A portion of the certified state debt will be forgiven at the conclusion of each yearly reporting period at the following rates:

(1) first year: 10 percent of the certified state debt, plus the waiver of all interest that accrued on the certified state debt during the first yearly reporting period;

(2) second year: 15 percent of the certified state debt, plus the waiver of all

interest that accrued on the certified state debt during the second yearly reporting period;

(3) third year: 15 percent of the certified state debt, plus the waiver of all interest that accrued on the certified state debt during the third yearly reporting period;

(4) fourth year: 20 percent of the certified state debt, plus the waiver of all interest that accrued on the certified state debt during the fourth yearly reporting period;

(5) fifth year: 20 percent of the certified state debt, plus the waiver of all interest that accrued on the certified state debt during the fifth yearly reporting period;

(6) sixth year: 20 percent of the certified state debt, plus the waiver of all interest that accrued on the certified state debt during the sixth yearly reporting period.

(c) When determining the amount of the certified state debt subject to forgiveness each yearly reporting period, the agency will first apply any payments received from continued enforcement actions, as provided in 15 AAC 125.673. Only the applicable percentage of the certified state debt, after deducting payments under 15 AAC 125.673, will be forgiven. In no event will the forgiveness, after applying payments under 15 AAC 125.673, result in an overpayment or otherwise reduce the balance owed by the parent below zero.

(d) If a parent's participation in the program is terminated in the middle of a yearly reporting period because the parent no longer meets the requirements of 15 AAC 125.650(a)(2), the agency will forgive a pro-rated percentage of the certified state debt based on the percentage of the year during which the parent fully complied with the forgiveness agreement. If the parent's participation in the program is terminated in the middle of a yearly reporting period for any reason other than failure to meet the requirements of 15 AAC 125.650(a)(2), the agency will allow no forgiveness for that yearly reporting period. (Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.680. Notice of non-compliance with forgiveness agreement and opportunity to cure. (a) If a parent fails to make two payments within a yearly reporting period, the agency will promptly notify the parent after the second missed payment that the parent is in default and that if the parent misses one more payment during the yearly reporting period, the parent's participation in the arrears forgiveness program will be terminated.

(b) If a parent fails to comply with a non-monetary requirement of the forgiveness agreement, the agency will notify the parent of the non-compliance and will give the parent 30 days in which to cure the non-compliance or to show good cause for the parent's non-compliance. If the parent fails to cure the non-compliance by the end of the 30 days, the agency will terminate the parent's participation in the program as of the date of the termination notice.

(Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.683. Good cause for failure to comply with forgiveness agreement. (a) A parent may establish good cause for failure to make payments or comply with other requirements of a forgiveness agreement by presenting clear and convincing evidence that the parent was unable to make the payment or comply with other requirements of the agreement as a result of substantial hardship or other unusual circumstances. The agency will consider the following factors in determining whether a parent has established good cause for failing to make payments under a forgiveness agreement:

(1) a significant illness or disability prevents the parent from working at any reasonable employment;

(2) the parent has incurred exceptional medical expenses that are not reimbursed by insurance, Medicaid, or another government program, or through private litigation;

(3) an accident or other disaster significantly affects the parent or an immediate family member of the parent;

(4) the parent has physical custody of one or more of the children for whom support is sought under a valid custody order issued by a tribunal of competent jurisdiction;

(5) the parent lives a subsistence life style without any local opportunity for employment; or

(6) the net monthly income of the parent's household is below the poverty guideline for this state, as set out in the Federal Register by the United States Department of Health and Human Services, and the agency has not determined the parent to be voluntarily underemployed or unemployed, as defined by 15 AAC 125.060.

(b) A request for a good cause determination under (a) of this section must be submitted in writing on a form prescribed by the agency and must be accompanied by all documentation required by the form and any other documentation on which the parent intends to rely to support the request. As necessary to determine whether a good cause determination is appropriate, the agency may request additional information from the parents or from any other source. The agency will issue an administrative review decision granting or denying the request for a good cause determination as soon as practicable. An administrative appeal is not available from the administrative review decision, but the decision is final for the purpose of appeal to the superior court.

(c) In deciding whether to find good cause for a parent's failure to comply with a

forgiveness agreement, the agency will consider the extent to which the parent has eliminated discretionary spending and has disposed of the parent's non-essential assets. For purposes of making a determination under this subsection,

(1) discretionary spending

(A) includes an expenditure made for recreation, comfort, sport, investment, entertainment, private schools, travel, or rental or recreational property;

(B) does not include an expenditure necessary to feed, house, clothe, or ensure the health of the parent or the parent's immediate family members;

(2) the agency will consider each expenditure on a case-by-case basis;

(3) in determining whether the parent must dispose of an asset under this subsection, the agency will consider the sentimental value of the asset to the parent and will, in its discretion, weigh the sentimental value of the asset to the parent and the cost to the parent of selling the asset against the asset's market value.

(d) If the agency determines that there is good cause for a parent's failure to comply with a forgiveness agreement, the agency will, as appropriate, determine the likely duration of the hardship or other unusual circumstances that form the basis for the good cause finding. The agency may grant a good cause exception under this section only for the duration of the hardship or other unusual circumstances that form the basis for the good cause finding, but in any event for no more than six months. A parent may apply to extend a good cause exception granted under this section beyond the period originally set. The agency will review an extension request in the same manner that the agency reviews an initial request under this section. (Eff.

___/___/___, Register ___)

Authority: AS 25.27.020

15 AAC 125.685. Termination of parent's participation in the program. (a) The agency will terminate a parent's participation in the arrears forgiveness program if the agency determines that the parent

(1) has failed to make more than two payments required by the forgiveness agreement within the yearly reporting period without good cause;

(2) has failed without good cause to comply with other requirements of the forgiveness agreement and the noncompliance has substantially prejudiced the agency's ability to collect support from the parent;

(3) no longer owes

(A) an ongoing child support obligation to the custodial parent or the state; or

(B) child support arrears to the custodial parent; or

(4) knowingly provided false or incomplete information on the parent's application, and the agency would not have approved the parent's application if the agency had received the correct or complete information at the time of the application.

(b) When the agency determines that termination is appropriate under (a) of this section, the agency will send a written notice of termination to the parent. The parent may contest the termination by submitting to the agency a written request for administrative review within 30 days after the notice was sent to the parent. The request must state the specific reasons for the contest and be accompanied by all documents upon which the person requesting the review intends to rely. The agency may reject a request for administrative review if it does not comply

with the requirements set out in this subsection. The administrative review is limited to whether

(1) the parent has complied with the forgiveness agreement;

(2) there was good cause for the parent's noncompliance, as provided in 15 AAC 125.683;

(3) the parent continues to owe an ongoing support obligation or child support arrears as required under 15 AAC 125.650(a)(2); and

(4) the parent knowingly provided false or incomplete information with the parent's application for participation in the program and whether receipt of correct or complete information would have affected the parent's eligibility for the program.

(c) The agency will issue an administrative review decision as soon as practicable after receiving a request under (b) of this section. As necessary to determine whether termination is appropriate, the agency may request additional information from the parents or from any other source. An administrative appeal is not available from the administrative review decision issued under this subsection, but the decision is final for the purpose of appeal to the superior court.

(Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125.695. Definitions for 15 AAC 125.650 - 125.695. As used in this article,

(1) "child support arrears" means a debt for support that is owed and past due under a support order for the support and maintenance of a child or a parent of a child for whom the agency is also collecting support and includes

(A) monetary support;

(B) payment of health care costs or maintenance of health insurance;

(C) reimbursement of related costs;

(D) payment of attorney fees and legal costs and other fees; and

(E) penalty, interest, and other relief as required by the support order;

(2) “incarceration” includes placement in a state or federal correctional facility, jail, half-way house, or work-release program;

(3) “other means of paying support” include receipt of state or federal benefits, including social security, disability, retirement, and veteran’s benefits, rental income from property and other assets, income from trusts, pensions, insurance policies, and litigation, income from interests in partnerships and other business entities, income from self-employment and other business activities, lottery winnings, and dividends from Native and other corporations.

(4) “state” means the State of Alaska and any other state that has requested and been granted approval by the agency to participate in the arrears forgiveness program.

(5) “state debt” means child support arrears that are owed to this state or to any other state that has requested and been granted approval by the agency to participate in the arrears forgiveness program for reimbursement of public assistance or state-sponsored placement of the parent’s children.

(Eff. __/__/__, Register __)

15 AAC is amended by renumbering article 8 to read

Article [8] **9** Administrative Actions Under the Uniform Interstate Family Support Act.

Authority: AS 25.27.020

15 AAC 125.720(d) is amended to read:

(d) For purposes of (c) of this section, the parentage of a child has been previously determined if any of the following conditions exist:

(1) there has been an adjudication of paternity by a court, quasi-judicial entity, or administrative agency of this or another state;

(2) there is a signed acknowledgement of paternity **that creates a conclusive presumption of paternity under the law of the state in which the acknowledgement was completed;**

(3) a support order has been entered **by a court, quasi-judicial entity, or administrative agency of another state** requiring the putative father to pay support for the child. (Eff. 10/1/98, Register 147; am __/__/__, Register __)

Authority: AS 25.25.315 AS 25.25.610 AS 25.25.701

AS 25.25.401 AS 25.25.611 AS 25.25.020(a)

15 AAC 125.730 is amended to read:

15 AAC 125.730. Modification if no party resides in Alaska. **(a)** If the agency receives a request for review or modification or the agency seeks to initiate a review or modification of a support order that was issued or registered in Alaska, but the obligor, the custodial parent, and the child for whose benefit the support order is issued do not reside in the state, the agency will refer the request to the appropriate tribunal in the state where the non-requesting party resides.

(b) Except as provided in (c) of this section, the agency will determine a party's place of residence under (a) of this section as of the date the agency sends its notice of petition for modification under 15 AAC 125.316(c). If all of the parties leave the state after

the agency sends the notice of petition for modification but before the review or modification is complete, the agency will complete the review and modification unless the agency finds that there is good cause to terminate the review process and refer the request to a tribunal in another state. In deciding whether there is good cause to refer a request for review or modification to another tribunal under this subsection, the agency may consider

(1) whether there is another tribunal with personal jurisdiction over the parties and subject matter jurisdiction to consider the request for review or modification;

(2) whether another tribunal would be a more convenient forum for the parties, including having better access to witnesses and other evidence relevant to the review or modification request;

(3) the effect of any delay caused by a referral to another tribunal, including the effect on the applicable effective date of the proposed modification; and

(4) the cause of the parties' departure from the state, including any evidence that the change of residence was intended to delay the review or modification process.

(c) When the agency is registering a support order issued by a tribunal of another state, the agency will determine a party's place of residence as of the date the notice of registration is served on the non-requesting party. If all of the parties leave the state after the notice of registration is served on the non-requesting party, the agency will complete the review and modification unless the agency finds that there is good cause to terminate the review process under (b) of this section. (Eff. 10/1/98, Register 147; am ____/____/____,

Register ____)

Authority: AS 25.25.205

AS 25.25.206

AS 25.27.020(a)

15 AAC is amended by renumbering article 9 to read:

Article [9] **10** Miscellaneous Provisions

15 AAC 125.800(a), (b), (c), and (d) are amended to read:

(a) The agency will provide complete child support services to a minor child or children, to the custodian of the minor child or children, to the noncustodial parent of the minor child or children, or to a child support [ENFORCEMENT] agency of another state; **except as provided in (b) of this section,** the agency will provide the complete child support services

(1) if a written application for the agency's services has been executed and accepted;

(2) upon notification by the Department of Health and Social Services

(A) that the child or children are recipients of public assistance under 42 U.S.C. 601 (Title IV-A of the Social Security Act); [OR OF MEDICAID BENEFITS; OR]

(B) **that the child or children are recipients of Medicaid benefits, unless the parent requests medical support enforcement only under (b) of this section; or**

(C) that the state is incurring costs for a child or children in foster or institutional care; [OR]

(3) upon receipt of a petition or complaint initiated [UNDER FORMER AS 25.25 (UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT) OR] under AS 25.25 (Uniform Interstate Family Support Act) or under the provisions of **that act** [THOSE ACTS] as

enacted in another state, in accordance with 42 U.S.C. 651 (Title IV-D of the Social Security Act); or

(4) upon notification by a tribal organization that the child or children are receiving benefits through a tribal TANF program.

(b) A custodian, non-custodial parent, or a child support [ENFORCEMENT] agency of another state may request [ONE OR BOTH OF] the following limited services:

(1) paternity establishment only; [OR]

(2) medical support enforcement only; **a parent receiving Medicaid benefits may request medical support enforcement services only, but only if the parent is not also receiving public assistance under 42 U.S.C. 601 (Title IV-A of the Social Security Act).**

(c) If a request is made under (b) of this section, the agency will provide only the limited services requested. The agency may not provide complete child support services unless, under (a) of this section, the agency receives an application for services, a notification by Department of Health and Social Services, **unless the parent is receiving Medicaid benefits only and requests medical support enforcement only,** or a petition or complaint from another state.

(d) If complete child support services are being provided by the agency because of the payment of public assistance or Medicaid benefits under (a)(2)(A) **or (a)(2)(B)** of this section or because the child is in state-sponsored placement under **(a)(2)(C)** [(a)(2)(B)] of this section and the payment of the benefits or the placement subsequently terminates, the agency will continue to provide complete child support services with respect to the child or children unless the custodial parent withdraws from services by filing a written withdrawal from services. An additional application is not necessary to continue complete child support service in the

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circumstances described in this subsection. (Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am 11/30/2002, Register 164; am ____/____/____, Register ____)

Authority: AS 25.27.020 AS 25.27.100

15 AAC 125.800(f) is amended to read:

- (f) The agency will reject an application for services made under (a)(1) of this section if
- (1) the custodian of the child for whom support is sought is living with the parent from whom support is sought when the application for services is submitted to the agency;
 - (2) the child has already turned eighteen **when the agency receives the application** and paternity has not yet been established for the child;
 - (3) the application is submitted by an unemancipated minor who is not living with a parent or with a legal guardian or caretaker relative;
 - (4) a support order is not in place and the youngest child for whom support is sought **has already turned nineteen** [IS MORE THAN 21 YEARS OLD] when the agency receives the application; or
 - (5) a support order is in place, and the youngest child subject to that order is more than 30 years old when the agency receives the application unless, within five years before the agency receives the application, the
 - (A) arrears have been reduced to judgment;
 - (B) applicant has received services from the agency or a child support [ENFORCEMENT] agency of another state; or
 - (C) applicant has taken legal action to enforce the support order without the assistance of the agency or a child support [ENFORCEMENT] agency of another state. (Eff.

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10/1/98, Register 147; am 6/15/2001, Register 158; am 11/30/2002, Register 164; am

___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.100

15 AAC 125.870(c) is amended to read:

(c) **Except as provided in (d) of this section, the** [THE] agency will reinstate an order that has been suspended under (a) of this section if the conditions set out in (a)(1) or (a)(2) of this section are no longer met. If an order is reinstated under this subsection, the agency will not charge ongoing support for the period during which the support obligation was suspended under this section. (Eff. 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.27.020

15 AAC 125.870 is amended by adding new sections to read:

(d) The agency will terminate an administrative support order issued under AS 25.27.160 if the agency determines that the parties married each other after the order was issued. If an order is terminated under this subsection, the agency will stop charging the ongoing support obligation as of the date the parties were married. However, any arrears that accrued under the order prior to the date the parties married will remain valid and enforceable. If the parties subsequently separate and the agency's services are requested under 15 AAC 125.800(a), the agency will

(1) issue a new administrative support order under AS 25.27.160 if no other support order has been issued after the parties married each other; or

(2) enforce a support order issued by another tribunal after the parties married each other.

(e) When the agency suspends or reinstates an administrative support order under (a) or (c) of this section or terminates an administrative support order under (d) of this section, the agency will send a notice of the suspension, reinstatement or termination to each parent. A parent may contest the notice by requesting an administrative review within 30 days after the date on which the notice was sent to the parent. The request must be in writing, state the specific reasons for the contest, and be accompanied by the documentation upon which the person requesting the review intends to rely. Upon receipt of a request for administrative review, the agency will mail a notice of the request to the nonrequesting parent. The nonrequesting parent may submit a response to the request for administrative review. The response must be postmarked or received by the agency within 30 days after the date the notice of the request was mailed to the nonrequesting parent.

(f) The agency will issue an administrative review decision on the suspension, reinstatement or termination of the administrative support order as soon as practicable after the time for response by the nonrequesting parent. As necessary to determine whether suspension, reinstatement or termination is appropriate, the agency may request additional information from the parents or from any other source. An administrative appeal is not available from the administrative review decision issued under this subsection, but the decision is final for the purpose of appeal to the superior court. (Eff. 6/15/2001, Register 158; am __/__/__, Register __)

Authority: AS 25.27.020

15 AAC 125 is amended by adding a new section to read:

15 AAC 125.873. Termination of support order based on emancipation. (a) Unless the order specifically provides otherwise, a support order terminates when the child emancipates, dies, or is legally adopted or when the obligor's parental rights and obligations are terminated pursuant to a proceeding under AS 47.10 or similar laws in a state with jurisdiction over such proceedings.

(b) Except as provided in (c) of this section, a child is considered to have emancipated when

(1) the child turns 18 years of age;

(2) the child is married according to law, unless the child is under the marriageable age of consent as defined in AS 25.05.071(a);

(3) the child is legally emancipated by a court or other tribunal of competent jurisdiction; or

(4) the child enters the military and is no longer being supported as a dependent by a parent, guardian, or designee of the parent or guardian.

(c) If the support order was issued by a tribunal of another state, the agency will apply the law of the issuing state to determine when the support obligation terminates under the support order.

(d) When a child enters the military, the agency will presume that the child is no longer being supported as a dependent by a parent, guardian, or designee of the parent or guardian. A parent may rebut this presumption by providing clear and convincing evidence that the child is still being supported as a dependent by a parent, guardian, or designee of the parent or guardian.
(Eff. __/__/__, Register __)

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Authority: AS 25.27.020

15 AAC 125 is amended by adding a new section to read:

15 AAC 125.875. Case closure. (a) The agency will close a child support case when the requirements of 43 C.F.R. 303.11 are met.

(b) When the agency closes a case under (a) of this section, the agency will terminate all ongoing administrative actions, including all administrative actions to establish or enforce a support obligation for the children included in the case.

(c) Closure of a case under (a) of this section does not terminate or suspend the accrual of child support under an existing support order. When the agency closes a case under (a) of this section, any valid child support order for the children included in the case remains in effect unless the agency or another tribunal of competent jurisdiction specifically orders otherwise.

(Eff. __/__/__, Register __)

Authority: AS 25.27.020

15 AAC is amended by renumbering article 10 to read

Article [10] **11** General Provisions